

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Docket. No. 07 Cr. 957 (RJS)

- against -

**DECLARATION**

FRANKIE TORRES,

Defendant.

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STATE OF NEW YORK )  
COUNTY OF NEW YORK : ss .:  
SOUTHERN DISTRICT OF NEW YORK )

Anthony L. Ricco, Esq., pursuant to Title 28, United States Code, section 1746,  
hereby declares under the penalties of perjury:

I am counsel for the defendant Frankie Torres and make this declaration in  
support of the relief, as set forth in the annexed notice of motion.

This motion is submitted to request that the court grant a continuance of the  
sentencing for Frankie Torres that is presently scheduled to take place on April 17, 2008  
at 10:15 a.m.

I am currently on trial in New York State Supreme Court, Queens County, before  
the Hon. Arthur J. Cooperman in People v. Michael Oliver, et al., the so-called Sean Bell  
case. There have been over 50 prosecution witnesses called and thousands of  
documents, exhibits and diagrams. As a result, I have been unable to complete my  
review the P.S.R. and the submission of Rule 32 objections and a sentencing

recommendation on behalf of Frankie Torres.

As a result of the foregoing, I am requesting an adjournment of the above sentencing to a date on or after May 5, 2008 (that is, any date other than May **12, 16-17**, 2008).

I have discussed the request for an adjournment with A.U.S.A. Randall W. Jackson, who has stated that the government has no objection to the application.

WHEREFORE, it is requested that the court grant the relief requested in the notice of motion and for such other and further relief as to this Court may seem just and proper.

Date: New York, New York  
April 12, 2008

/s/ Anthony L. Ricco  
Anthony L. Ricco